

EXHIBIT 10

Condensed Transcript

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IAN J. BROWN, JAMES BROWN
AND BARBARA BROWN,**

Plaintiffs,

VS.

**CIVIL ACTION NUMBER:
04-11924-RGS**

**UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC., and
BOSTON EDISON COMPANY
d/b/a NSTAR ELECTRIC,**

Defendants.

DEPOSITION OF:

JAMES BROWN

**July 14, 2006
2:41 p.m.**

**Prince, Lobel, Glovsky & Tye, LLP
100 Cambridge Street, Suite 2200
Boston, Massachusetts 02114**

**Ayako Odanaka, Notary Public, Certified Shorthand Reporter and Registered
Professional Reporter within and for the Commonwealth of Massachusetts.**



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James Brown

July 14, 2006

<p style="text-align: center;">65</p> <p>1 Q. All right. So you mentioned 2 expenses. Are there any other sorts of 3 expense -- Any other categories of things 4 that you're seeking to recover for in this 5 lawsuit? 6 A. I don't really understand what you 7 want from that. I mean emotionally or 8 physically or -- 9 MR. CHARNAS: Are you asking 10 how he believes he's been damaged by Ian's 11 accident? 12 BY MR. LEWIN: 13 Q. I'm asking what damages he's 14 seeking to recover in this lawsuit and 15 what your understanding is? 16 MR. CHARNAS: In all 17 fairness I think it's a legal question. 18 A. Yeah. 19 Q. I'm not asking a legal question. 20 I'm asking his understanding. 21 MR. CHARNAS: Well, if 22 you're asking how he's damaged -- I -- All 23 right, go ahead and answer if you can. 24 A. You mean what I want to seek? I</p>	<p style="text-align: center;">67</p> <p>1 lumber, approximately, seven -- \$8,000 on 2 wood to build a deck for the back of the 3 house so Ian can get in through a new 4 sliding glass door I put in, which I'm 5 sure it was a \$1,000 or more. I put a few 6 doors in myself to make them wider to get 7 through and I'm not done yet. So -- 8 That's so far the expenses that I know 9 I've taken out of my pocket for just basic 10 -- Basic improvements to make it usable. 11 But there was no -- No labor. The labor 12 was all mine or my neighbor, kids would 13 help me get the house prepared. 14 Q. What -- Do you have any other 15 modifications planned? 16 A. Planned? I have to redo the 17 bathroom. His bedroom's not large enough. 18 He has no access to the basement, which I 19 was hoping to finish for maybe exercise 20 room so he can continue working at home on 21 strengthening himself and stuff. I have 22 no way of getting him to the basement. 23 Those are the plans I have right now. 24 Well, the foyer has marble and I have to</p>
<p style="text-align: center;">66</p> <p>1 don't -- 2 Q. Are you seeking -- You mentioned 3 your expenses and the pain you're going 4 through. Is there anything else you're 5 seeking to be compensated for in this 6 lawsuit? 7 A. I really don't know how to answer 8 that question. 9 Q. Okay. Do you still want to take a 10 break because we can take -- 11 A. No, just keep going. 12 Q. You mentioned the money you've 13 expended. One thing you mentioned was 14 modifying your house. 15 A. Yes. 16 Q. Can you tell me how much money 17 you've put out as a result of Ian's 18 accident out of your own pocket? 19 A. Yeah, most of the work was done by 20 myself and my buddies. The money for the 21 materials is mostly it. I believe I spent 22 about \$4,000 on concrete work for the 23 driveway and the partings on my deck. I 24 spent approximately -- Just to buy the</p>	<p style="text-align: center;">68</p> <p>1 take the marble out the foyer in the 2 kitchen because from the -- One end of -- 3 It's a ranch house from the one end of 4 the house to the other, in the middle of 5 the house, there's this marble, sticks up 6 an inch. I have to remove the marble, 7 cut the floor out, re-floor that inside 8 stretch to make one level so he doesn't 9 hit that bump going up, which I've 10 modified the best I could. But it's not 11 where it's got to be yet. 12 Q. How did you modify it? 13 A. I just put, like, a wooden wedge 14 saddle so he comes up a little more 15 gentle. But still he has to, what we 16 call pop a wheelie and get his front wheel 17 up to get over. Because they put the 18 marble on top of the floor. It's about a 19 one-inch rise, which is too much. 20 Q. Now, Mr. Brown I'm going to go back 21 to what -- 22 A. Go ahead. -- 23 Q. -- I anticipate are going to be 24 some difficult questions. I'm not trying</p>

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